

SENATE BILL 87

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO GOVERNMENTAL IMMUNITY; EXCEPTING SKATE PARKS FROM LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 41-4-6 NMSA 1978 (being Laws 1976, Chapter 58, Section 6, as amended) is amended to read:

"41-4-6. LIABILITY--BUILDINGS, PUBLIC PARKS, MACHINERY, EQUIPMENT AND FURNISHINGS--EXCEPTION. --

A. The immunity granted pursuant to Subsection A of Section [~~5-14-4 NMSA 1953~~] 41-4-4 NMSA 1978 does not apply to liability for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public employees while acting within the scope of their duties in the operation or maintenance of any building, public park, except for a skate park, machinery, equipment or furnishings. Nothing

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1 in this section shall be construed as granting waiver of  
2 immunity for any damages arising out of the operation or  
3 maintenance of works used for diversion or storage of water.

4 B. A governmental entity and a public employee  
5 while acting within the scope of duty are granted immunity from  
6 liability for any tort arising out of a person's participation  
7 in skateboarding or inline skating in a skate park. This  
8 section does not grant authority or permission for a person to  
9 engage in skateboarding or inline skating on property owned or  
10 controlled by a governmental entity unless the governmental  
11 entity has specifically posted a sign in the designated area  
12 stating that the area is a skate park, that skateboarding and  
13 inline skating are inherently hazardous activities and that a  
14 person participating in these activities assumes the risks of  
15 injury and damage to his person and property.

16 C. "Skate park" means a designated, posted area for  
17 skateboarding and inline skating on property owned and  
18 controlled by a governmental entity."

19 Section 2. EFFECTIVE DATE. --The effective date of the  
20 provisions of this act is July 1, 2003.